[Mr. Kayalam Paramesvaran Pillai.]

Court may be heard by a single Judge but he cannot modify or set aside the order of the lower court. It is proposed to confer on single judges the power also to modify or set aside the order, but it is laid down, in the Bill, that it shall not be competent for a single Judge to enhance any sentence passed by a criminal court or to interfere with any orders of acquittal made by any court. I trust these provisions will facilitate the disposal of cases in the High Court and will receive the acceptance of the House.

The motion was agreed to.

The question that clauses 1 and 2 stand part of the Bill was put to the vote of the House and carried.

The clauses were added to the Bill.

The question that the preamble and the title stand part of the Bill was put to the vote of the House and carried.

The preamble and title were approved.

Mr. Kayalam Paramesvaran Pillai: I now beg to move that the Bill be passed.

Mr. C. V. Chandrasekharan: I second it.

The motion was carried.

The Bill was passed.

THE TRAVANCORE TRADE DISPUTES BILL.

CONSIDERATION OF

Mr. Kayalam Paramesvaran Pillai: I beg to move that the Travancore Trade Disputes Bill as passed by the Assembly be taken into consideration.

Mr. C. V. Chandrasekharan: I second the motion.

Mr. Kayalam Paramesvaran Pillai: The main purpose of this Bill is to provide a machinery for the settlement of trade disputes if any such arises.

Clauses 3 to 14 deal with the settlement of Trade Disputes. A tribunal is proposed to be set up for settling the disputes. This tribunal may be a court of inquiry or a Board of Conciliation. When a dispute arises it may be referred to a Court of Inquiry or a Board of Conciliation. The court of inquiry is appointed to enquire into the specific matters referred to it. The Board of Conciliation are concerned not with any specific points referred to them but are on the other hand appointed to investigate the disputes with a view to settling them. The Court of inquiry will consist of independent persons, one of whom shall be the Chairman. They are independent in the sense that they will have nothing to do directly or indirectly with the matters of disputes or the trade in which the dispute arose.

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[Mr. Kayalam Paramesvaran Pillai.]

Both the Court of inquiry and the Conciliation Board will have power to enforce the attendance of witnesses and the production of documents, and their reports will be published.

So far with regard to the tribunals. It will be noticed that the recommendations and conclusion of the Board or the Court of inquiry will not be *binding* on any party. What we expect is that the force of public opinion will be brought into play and will tend to the settlement of the dispute.

There are certain other provisions also in the Bill, *e. g.*, sections 15 to 18 which are important.

One of these relates to what are called public utility services ; and it is provided that it shall not be competent or legal for the labourer to strike, or for the employer to lock-out, without giving previous notice. The object of such notice is that the authorities may deal with the dispute and try to settle it and avoid public hardship.

There is also another provision making certain kinds of lock outs and strikes illegal, strikes or lockouts which are calculated to inflict hardship on the community, and which are intended to coerce the Government while the strike itself may not have any direct relationship to the interests of the strikers.

The Bill is drawn on the lines of the Indian Trade Disputes Act.

I trust the principle of the Bill will be accepted.

Mr. M. S. Anirudhan : I oppose the Bill. Before entering into a discussion of the important provisions, I may be permitted to speak a word or two by way of introduction.

I am sure it will be conceded that this House is more representative of capitalist interests than those of labour. There is only my honourable friend Mr. P. N. Krishna Pillai here who has been co-opted for representing labour interests. I would therefore appeal to this House to go through every Section of this Bill very carefully so that the interests of the labourers may not suffer for want of adequate representation.

Sir, the labour movement is in its infancy in our State. Labour organisations are very few. So far as I know, there are only two Associations worth the name. One is the Travancore Labour Association at Alleppey and the other the Labour Union at Quilon. These two Associations have been agitating for labour legislation for the last so many years and it is a matter for gratification that the matter has engaged the attention of the Goverument. But unfortunately the one that has been formulated by Government is, I am afraid, not in any way conducive to the interests of labour. On going through the Bill I am reminded of what we do in our homes

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[Mr. M. Anirudhan]

when our children cry. When they cry, we some times beat them. That is the feeling I had when I went through the provisions of this Bill. *Prima facie*, as the title of the Bill shows, it is a Bill intended to deal with trade disputes. The idea is certainly very laudable, and I welcome it. But the title says :

"A regulation to make provision for the settlement of trade disputes, *and for certain other purposes* "

It is the latter portion that I object to. I am at a loss to understand why, in a Bill intended to provide a machinery for the settlement of trade disputes, other provisions which do not have any direct bearing on the settlement of trade disputes should be introduced. That, I submit, is going against the very principle of the Bill, and is detrimental to its objects.

The Bill may be divided into four parts.

Mr. K. R Elankath : May I ask whether there are not amendments to the various provisions in the Bill, and whether the honourable member could not reserve his observations on the various provisions till the amendments are taken up?

Mr. M. S. Anirudhan : I do accept the principle of the Bill ; but I am opposing it in its present form,

President : At this stage, of putting the motion before the House that the Bill be considered, what primarily emerges is the question of acceptance of opposition to the principle of the Bill. If, as the honourable member has just now stated, he accepts the principle of the Bill, then I would suggest that the objections he has to particular provisions of the Bill he may raise when those provisions are specifically raised for discussion.

Mr. M. S. Anirudhan : Sir I can accept the principle underlying a few provisions of the Bill and oppose the principle underlying some other sections. The Bill may be divided into 4 parts. As the learned Law Member explained clauses 3 to 14 deal with the machinery for the settlement of disputes. I do not propose to discuss the clauses at this stage.

Coming to clause 15, I submit that this provision is not in consonance with the first 14 sections. By this provision it is intended to penalise lightning strikes. It says that labourers engaged in public utility services may not be permitted to strike without giving 14 days' notice. Sir, it is the right of the worker to cease to work when he chooses, and that is his only weapon to secure his rights. It is therefore highly objectionable to put a limit to such a right.

Mr. G. B. E. Truscott : Does not every worker get notice before he is asked to leave his job?

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Mr. M. S. Anirudhan: Any notice of a strike will render the very object of strikes futile. The strike may not have any effect at all, if the employers get notice of it before hand.

Another principle involved in this Bill is to take criminal action for breaches of contracts to bring contractual relationships under the ambit of criminal law. Sir, that is a very unwholesome principle. Honourable members are aware that, in our Statute Book, there was a Regulation called the Breach of Contract Regulation. That has been lately repealed. The effect of this section in the Bill will be to revive that repealed enactment.

Clauses 16 and 17 are intended to penalise general strikes. I have only to repeat here also that the strike is the only weapon of defence for the worker. Under these clauses sympathetic strikes are not allowed. If the workers in a coir factory want their grievances to be redressed and therefore strike work, the workers in a neighbouring cashewnut factory cannot, under these clauses, go on strike. This is also another attempt to restrict the right to strike, and as such it is detrimental to the interests of the labourer. It almost reduces the position of the labourer to one of serfdom and slavery. If, for instance, the labourers want to start an agitation for proper representation in the Legislature, these clauses do not allow them to do it.

Mr. Kochikal P. Balakrishnan Tampi: May I know from the member the clause which prevents that kind of agitation?

Mr. M. S. Anirudhan: Clause 16. If my honourable friend will go through the section, he will be convinced of my position; I do not propose to go into details at this stage. According to these clauses, there can be no strike for political purposes

Mr. K. R. Elankath: Is it the honourable member's view that labourers engaged in a particular business should agitate and should be made use of for purposes other than those connected with that particular business?

Mr. M. S. Anirudhan: Certainly not; my point is that the labourer also may have to fight for political rights.

Mr. Kottur Kunjukrishna Pillai: May I ask whether the employer can grant any political right.

Mr. M. S. Anirudhan: Yes.

Mr. Kottur Kunjukrishna Pillai: Political rights.

Mr. Kochikal P. Balakrishnan Tampi: Not even in Soviet Russia.

President: Honourable member may or may not answer the question.

Mr. M. S. Anirudhan: I do not consider that question quite relevant,

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President: That is for me to decide. (*Laughter.*) Honourable member will proceed.

Mr. S. Anirudhan: Coming to Clause 18, it is an interference with the working of trade unions. Although we have already passed the Trade Unions Regulation, the Rules have not yet been framed, and it has not yet come into force. Any interference with Trade Unions, at this stage, will be detrimental to the interests of labour.

Mr. Nedumangad R. Kesavan Nair: Is not clause 18 a protective clause protecting persons who do not participate in unlawful strikes?

Mr. M. S. Anirudhan: I beg to differ: Section 18 says:

> "No person refusing to take part, or to continue to take part, in any strike or lock-out which is illegal under the provisions of Section 16, shall, by reason of such refusal or by reason of any action taken by him under this Section, be subject to expulsion from any trade union, or to any fine or penalty, or to any deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union, anything to the contrary in the rules of a trade union notwithstanding."

In every organisation discipline is the most essential factor. Any attempt to interfere with the discipline of any organisation is calculated to undermine the strength and the solidarity of the association. It is on that ground that I oppose this clause.

From what I have submitted I may say that the Bill is more disadvantageous than advantageous. The next point to be considered is whether there is necessity for such a Bill. In 1927 a Bill of this nature was passed into law in Great Britain. In the previous year there was a general strike there and as a result of that they had to pass into law this piece of legislation in the teeth of heavy opposition. Referring to British India I may say that even there there have been no general strikes strictly so called. There have been many strikes in British India but there has been no general strike. Coming to our country, the labour movement has only just sprung up and the Trade Union Regulation has not come into force. Therefore at this stage a Bill of this nature is quite unnecessary.

Mr. Nedumangad R. Kesavan Nair: Are there not frequent strikes at Alleppey now?

Mr. M. S Anirudhan: I may tell my honourable friend there is much difference between a strike in a factory and a general strike. In a general strike all kinds of trades are involved. In Alleppey there may be strikes in some factories but you cannot compare these strikes with a general strike. That is why I said that even in British India there have been no general strikes.

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Mr. Nedumangad R. Kesavan Nair: Is the member aware of a Graduate in Law being assaulted as the result of a strike in Alleppey a couple of years back?

Mr. M. S. Anirudhan: I am not aware.

President: Who was assaulted?

Mr. Nedumangad R. Kesavan Nair: A graduate in Law.

President: I hope not for that reason.

Mr. Nedumangad R. Kesavan Nair: Not for that. He happened to be the manager of a factory.

Mr. M. S. Anirudhan: The next point I would place before this House is whether there was a demand for such a Bill either from the employees or from the employers. I am not aware of any such thing. Neither the labourers nor the employers approached the Government to pass into law such a Regulation. On this ground also I oppose the measure.

Another point to be considered is how far this Bill is going to improve the situation and whether it is going to offer any solution for the labour trouble. In this respect also I may bring to the notice of the House the experience in British India. It was in 1929 that the Trades Disputes Act was passed in British India as a temporary measure. Within these years there have been thousands of strikes and the provisions of this Act have been proved to be quite useless to settle trade disputes. That shows that in these cases the machinery that has been set up has been proved to be a failure. The British Indian Act could not in any way deter the labourers from resorting to strikes. I am referring to a specific case that arose in 1934. In that year there was a huge strike in Bombay. The Bombay Government never resorted to this Act to put a stop to or to settle the dispute in the strike. Whenever there was a strike in any place they only resorted to the ordinary criminal law and took the necessary measures to suppress the strikes. But this Act has not been of any use in British India either for settling the disputes or for anything else. Therefore I ask this House why we should have such a Regulation which is not going to be of any of use either to the employer or to the labourer.

Mr. P. N. Krishna Pillai (*Nominated*): May I know from the member whethr there is a Bill before the Central Indian Legislature to amend the Act?

Mr. M. S. Anirudhan: I know that. Moreover the general impression created by the Bill is also very objectionable. If Sections 1 to 14 are intended for the investigation and settlement of trade disputes, Section 15 and the following sections are contemplated to prevent any settlement of a dispute but to foment discontent and bitterness and to prolong the agony of quarrels between

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[Mr. S. Anirudhan.]

the employer and the employees. Therefore I submit that this Regulation which is never demanded by any Section of the public or by the employers or by the employed, is not going to be of any use for which it is intended to be passed into law and further it is calculated to embitter the feelings of the employed and the employer. I therefore appeal to this House in the name of the labouring classes of Travancore to oppose this Bill and to throw it out so that the happy relations between the employer and the employed may be preserved.

Mr. P. N. Krishna Pillai: Sir, let me avail of this opportunity to express the views on behalf of the organised labour of this country about this very important legislation that is before the House. Let me express at the very outset that the organised labour in this country views with a very great amount of apprehension and suspicion this measure that is now before the legislative anvil. It may seem strange that while labour which has stood for conciliation, which has demanded conciliation in every part of the world, should come and oppose this measure. Let it be made clear, Sir, that we of the Travancore Labour Association have always been demanding for the constitution of some machinery for the settlement of trade disputes. We have been demanding for that, and you know, Sir, how we had approached Government very often for some method of conciliation of the existing trade disputes at Alleppey. Our objection is not at all to the constitution of any machinery for settling trade disputes But we, more than the employers, demand, beseech and implore for such a machinery to be constituted It is not there that our objection lies. It is because of the clauses appearing in the Bill after Clause 14 that we object to this measure. If we have asked for some machinery for conciliation you have saddled with it something which is objectionable to the labourers and which infringes their fundamental right and it takes away by one hand what it gives by the other. Sir, we asked for bread and you give us stones. That is the position of the labourers at present in regard to this legislation. Sir, even with regard to the provisions for conciliation, we are very doubtful whether it will be of any practical use in settling trade disputes. As my honourable friend has pointed out, from 1929 till now, according to the statistics, there were more than 2,000 strikes in British India but the machinery that is contemplated under the British Indian Act was invoked only on three occasions, once by the Government of India and twice by the Provincial Government. As he pointed out the utility of the Act has been well-nigh little. There is no provision in the Bill which asks the Government to constitute any machinery *suo moto*, when an application is made for the constitution of the same by any party to a

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trade dispute. It is left to the Government to constitute a conciliation board or a court of inquiry or not to constitute either of them at all. You know, Sir, that even in the recent B. N. R. strike there was a legitimate demand for the constitution of a court of inquiry. The Government of India did not at all respond to the request for the constitution of the Court of enquiry. So the practical utility of the conciliation process is nothing to the labourer. But coming to the penal clauses, what is contemplated there is something which infringes the fundamental right of the labourer to strike. Sir, my honourable friend has dealt with the penal clauses 15 to 19 and it is not proper on my part to go into the details of those clauses at this stage of our discussion. Sir, as he pointed out, the success and efficacy of a strike depends upon the swiftness of action and if that is sought to be taken away by demanding a notice, the strike will not at all be of any help to the workers. I can understand, Sir, as in every other country, public utility services are to be placed on a different footing and they may be treated on different lines. But what is the history of legislation in other countries? In other countries before this penal legislation was passed, some provision was made by statute to see that the interests of workers in Public utility enterprises are safeguarded more than those of the workers in other industries. You, propose, Sir, that to go on strike without notice is illegal; but without giving notice an employer in the public utility service may dismiss an employee and this is not a punishable offence. He may dismiss an employee without notice and send him out as an unemployed man and as a burden to the society. It is only the employer that is sought to be benefited by the provisions of this Bill. Even with regard to the public utility services it is an accepted principle that only those enterprises which are run by the State and which are controlled by the State that can be called by any stretch of imagination public utility services. If profiteering by private individuals is allowed in such services, nowhere can they be called public utility services. Here according to our definition any transport service or any other concern for the supply of light or power which is managed even by private capitalists can come in as a public utility service and there is no provision to safeguard exploitation of labour at the hands of employers. The worker alone is handicapped by the provisions contained in this Bill.

With regard to clause 16, I may say that it is very injurious to the worker generally. In clause 15 only public utility worker are penalised. But clause 16 is so vaguely worded that even bona-fide strikes could be brought with in its strangle hold. Labourers object to that.

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[Mr. P. N. Krishna Pillai.]

As I said before, what is the history of this legislation in other parts of the world? In England the Trade Disputes and the Trade Unions Act was passed only in 1927 after the general strike. Before that Act was passed they had enacted such legislations like the Conciliation Act of 1896 and the Industrial Courts Act of 1919. By these Acts they devised some machinery for the negotiation and settlement of Trade disputes long before this penal enactment was passed. When such a settlement failed, we can understand the necessity for Government stepping in. Till then we cannot understand the reasonableness of a provision for such penalty.

In 1926, there was a general strike in England. As a result of that the Trade Disputes and Trade Unions Act was passed. In British India, in 1929 soon after the Meerut Conspiracy case, the Act was passed. In Travancore there is no such occasion. One honourable member was asking whether in Travancore there are not constant strikes. Though we are being oppressed daily by constant wage cuts, victimisation of union workers and hopeless working conditions, we are bearing them to our utmost capacity and approaching the employer and the Government. We are the most constitutional workers. When there is no such neceesity for a penal enactment we are really surprised that this legislation should have been brought in to the detriment of the workers.

One word more and I shall be done. Even the Law Member has accepted the wholesome principle that labour legislation in this State should be on a par with that of British India. That principle has been accepted by our Government. That was one of the declarations made by the honourable Law Member when he introduced labour Bills in the last Assembly. The Trade Disputes Act of 1929 came in for so much criticism in British India. The Royal Commission on labour had pointed out the various defects of the Act and an amending bill is referred to a select committee in the Indian Imperial Legislative Assembly. Till that Bill becomes law I think we can wait. This penal clause need not be enacted till we know what they are doing. We should be content with what is contained in the Bill for conciliation of trade disputes.

With these words, I wish to say that the present Bill is injurious to the interests of labour and that this piece of legislation in the present form can very well wait till the British Indian Legislature has passed the present Bill finally.

Mr. Kottur Kunjukrishna Pillai: Sir, at this stage I presume we are called upon only to discuss the principle underlying this Bill. And what is the principle underlying this Bill? The major principle appears to me to be to provide the machinery for the investigation and settlement of disputes arising between employers and labourers in regard to their business. The other principle that has been pointed out is regarding certain restrictions on strikes and lock outs.

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Now labour interests have to consider which of these is more important when they come and oppose a piece of legislation like this on principle. I consider that labourers whether in Travancore or elsewhere ought to a consider a machinery for the settlement of disputes in an amicable way before they resort to the final and difficult remedy of strike. I believe it will be common ground with the labour representative and all members of this House that the more important thing for the labourers to achieve is to make an amicable settlement and get their rights recognised with the aid of a suitable machinery enjoying the prestige of statutory authority. When that is granted we have to consider the question whether these restrictions on their freedom to strike can come in or whether these ought to be rejected. I think no one will say that the Bill as a whole should be rejected. The major principle of the Bill regarding the settlement of disputes cannot be objected to by anybody who understands and advocates the real interests of labour in Travancore.

It has been pointed out that during the period this piece of legislation wss being worked in British India from 1929 onwards, there were 2,000 strikes of which only 3 were referred to a board for settlement. I thought that that was an argument not against the establishment of the machinery of conciliation but against the apathy in constituting boards for the settlement of disputes, that it was not allowed to function as often as it was wanted. I think that is the best argument that could be advanced in the interests of labour to provide a machinery for settlement of disputes. It has therefore to be taken that that portion of the Bill has the entire support of labourers all over India and it ought to have the support of enlightened labour interests in Travancore as well.

Mr. Kayalam Paramesvaran Pillai: Has not a resolution been passed at labour meetings requesting Government to introduce a Bill of this kind?

Mr. Kottur Kunjukrishna Pillai: Yes Sir, I affirm it because I myself had the responsibility of inducing labourers to ask for legislation in this matter.

Sir, honourable members had been pointing out the scarcity of cases in which labourers went on strike being referred to arbitration. They scarcely realise the importance of the attitude Governments can take. My friend who referred to the working of the legislation in British India failed to take a lesson in regard to one fact, *viz.*, the constant reference to arbitration boards of disputes in Madras where a prominent labour leader is responsible for the administration of the Labour Department. Since the constitution of the Congress Ministry in Madras, 16 labour disputes arose and I heard the Labour Minister priding himself that he has referred more than 3 or 4 to the aribitration board. So that the attack with regard to that portion is not against the machinery. The attack is that Government are not willing to refer to a committee for arbitration as often as we require

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Mr. P. N. Krishna Pillai: Is the member aware that the same Minister had attacked the penal provisions of this Bill when it was before the Legislature?

Mr. Kottur Kunjukrishna Pillai: I will be quoting him when I come to that portion. At present I am at the major principle regarding the machinery for settlement of disputes. When that is conceded, I hope I can proceed to the next provision regarding the penal clauses.

Sir, I can very well appreciate the argument that the Trade Union movement is at its infancy in Travancore and that without organisation of labour on the model of trade unions it will be difficult for these arbitration boards to work effectively.

I shall pass on to the next part of the Bill, *viz.*, penal provisions. Sir, the labour member who is a very high authority in labour matters, and who happens to be Minister in Madras, has stated that it is an inalienable right of the labourer to strike. I believe that even under the Bill ordinarily the right of the labourer to strike has been recognised. The right of the labourer to strike under certain circumstances, subversive of the interests of the community as a whole, has been restricted by means of penal provisions. That is the question that we have to consider and settle. We have to consider whether the intensity of that provision could be relaxed and whether such a provision is at all necessary. That is a matter which can be settled by discussion and amendment. That does not vitally affect the principle of the Bill. It has been pointed out by all who have the real iterests of labour at heart that a strike more often than not affects injuriously the labourer much more than the employer. It has been pointed out repeatedly by labour leaders that labourers should resort to strikes only as a last remedy. So far as Travancore is concerned it will be seen that almost all labour legislation has been brought about by Government on its own motion. Though labour associations have demanded legislation, it must be said that, as a matter of fact, Government have been putting forward legislation. So that we can expect from the Government of Travancore greater alertness with regard to the settlement of disputes between labourand employers than it was found possible in British India from 1929 down to the present day. We find that the Travancore Government have as much the interests of labour at heart as the labour representatives themselves. They concede that Government have very great sympathy for the lot of labourers in Travancore. If we can trust Government to do that, I think there cannot be any objection to these provisions. If the advise of the labour leaders like the Minister of Labour is taken, there will be very few occasions to complain about the provisions. He says that labourers everywhere must try to settle the matter amicably before

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they resort to a strike. He says that they must win public opinion and depend upon public opinion for their cause. If that is possible it becomes almost impossible to resort to lightning strikes. You find that you are not called upon to undertake lightning strikes. Somebody was pointing out that it will be very inconvenient strategically to give notice before they strike even in regard to public utility concerns.

I do not think that labour is going to adance its interests or secure its rights by resorting to strikes without the previous knowledge of those who are affected by that strike or by the suddenness of it. I do not think anything lasting will be achieved by that method ultimately. Labour can secure sympathy only by the righteousness of its cause. Without the sympathy and co-operation of the public in general, labour cannot achieve anything. If that is taken for granted and if labour is prepared to follow in those lines and if labour organisations are to be fostered with that spirit, I think that in the actual working there may not be so much to complain about the penal provisions in the Bill so as to throw out even the beneficial provisions of it. I do not think it is necessary at this moment to speak more about the principle of this piece of legislation. I believe, the circumstances in Travancore are different and the provision regarding the machinery for the settlement of disputes will be worked out more effectively, more sympathetically with the aid of our Governmnment than it was possible in British India. I think that when there is the sympathy of Government it will be possible for the labourers to refer more and more of their disputes to those boards and get their grievances redressed. In view of the larger interests of labour served by these Sections, the labour interests will consider the point that they will not throw away a very invaluable right for an apprehension that may not after all be justifiable if they conduct themselves properly. With these words, I support the principle of the Bill.

Mr. P. N. Krishna Pillai: May I know whether the member is aware of the conditon of labour in British India and that they are agitating for enlarged status ?

Mr. Kottur Kunjukrishna Pillai: I agree that labour legislation, as far as possible, must be uniform with those in British India. I never suggested that it should be different. I merely suggested that the attitude of Government with regard to the actual working of the Regulation is the factor that determines the number of cases that will be referred to the Arbitration Board.

President: The honourable member must understand that he is answering a question.

Mr. P. N. Krishna Pillai: In that case, may I know whether this piece of legislation cannot wait some more time to see how the British Indian legislation has gained thereby ?

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Mr. Kottur Kunjukrishna Pillai: I do not think that it is at all wise for us to wait on such a ground at any rate. I will protest against it. If you have those amendments, why not try to embody those amendments here also. Why should labour interests wait for legislation in British India. Who knows, in what form, legislation will emerge in British India. We do not know anything about it. Under the circumstances, our Legislature should not be asked to wait in regard to this particular piece of legislation till British India adopts some amendment.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I also second the motion brought forward by the law member. The objections seem to be merely psychological to this Bill. As far as one can see there is no section to which either the employer or the employee could take objection. The mentality of labour has to be traced back to the English political history, when labour was suffering from an inferiority complex in England. When top-hats prevailed or predominated in British Parliament there was a suspicion on the part of the labour classess when a measure affecting labour was introduced in Parliament. But now things have changed in England. Even after the experience gained in England and elsewhere during general strikes, I think this Bill has to find a place in our own statute book. I want to congratulate the Travancore Government on account of this useful measure. It is one of those very few occasions that I have to congratulate the Travancore Government on bringing a really commendable piece of legislation and in doing so they have shown themselves quite abreast of the times. It is bad policy to wait in order to bring a legislation until some other legislature hammers into shape a similar legislation.

On the other hand, we have all the advantages of a Town-Planning expert trying to build a town in a new area rather than trying his ideas in an old town. We have no labour crisis in this country at present. This Bill enables us to tide over any situation in future without detriment to either employers or employees. This Bill seeks to prevent unhealthy labour strikes without affecting adversely the interests of either classes of peoples. I also find that this is a piece of legislation which is always asked for at every meeting of the labourers.

Mr. P. N. Krishna Pillai: May I know which meeting asked for the penal provisions contained in this Bill?

Mr. Kochikal P. Balakrishnan Tampi: I am not aware of any public meeting of labourers making a draft Bill and suggesting it to Government. They merely wanted a Trade Disputes Bill. Now they are asking for it and in accordance with the wishes of labourers, this Bill has been presented before the House. I am often tempted to say that the labourers as individuals may

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be saved from their friends. This Bill directly helps to prevent the activities of certain class of people who are neither employers nor employees. Som of those who are interesting themselves in labour problems who are neither employers nor employees all over the world give great anxiety to the police and to the Magistracy as well as to Governments Therefore, I again congratulate the Government for bringing to this House this socialistic measure.

Mr. M. S. Anirudhan : May I know what the member means by 'socialistic measure' ?

Mr. Kochikal P. Balakrishnan Tampi : I do not propose to give an exposition of the socialistic ideology.

As far as the public utility services are concerned, those who are residing in cities and elsewhere and those who have travelled a bit abroad will appreciate the difficulties that a city will be put to if there is a lighning strike. As a layman I do not find any great objection to the notice being given to an employer about strikes. As a piece of rhetoric, I can understand that it is a labourer' right to strike. It may be a good enough Marxian phraseology But when we come to facts what do we find ? Is it a right to strike ? On the other hand I would say it is rather a liability to strike. To strike when there is a necessity to strike, one can understand. But of late, we have been used to certain phraseologies that are current not only in this country but throughout the world. One man will say, it is a right to die. Another man will say it is a right to commit suicide. Only in that sense I say is it a right to strike ? I can understand the labourers having legitimate grievances and compelled under very great pressure of circumstances to strike.

Mr. P. N. Krishna Pillai : Does the member concede that an individual has an inalienable right and can refuse to work when he does not want to work ?

Mr. Kochikal P. Balakrishan Tampi : I do confess that in my younger days I had read a little bit of Morley and Marx, and that I remember about inalienable rights. When we come to the practical proposition, it does not go far. We give a false turn to things. We know the stage of labour in our country. We know that there are only a few labourers who have anything like an organisation. I do not forget that there are employers who do not pay any great respect to International Understanding regarding labour. Some of the employers are people who are in one sense in keeping with the historical background of our country. By that I mean, there was slave dealing in our country a few decades ago. In factories there is hard work for employees. If only one saw the labourers, say, in some cashewnut factories, one

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[Mr. Kochikal P. Balakrishnan Tampi.]

would regret there is no legal provision to horsewhip employers One has to come across very cruel deeds done by the employers towards labourers and not speak a word by way of condemnation. But all the same we are here for legislating. I thank the Government for having brought in proper legislation so that labour may be benefited from the experience gained in other countries. Let labour in our country be benefited by the skilful manner in which the situation has been handled elsewhere. I do not think that the honourable member representing labour in this House did intend any disparagement to the Legislature by suggesting that we must wait for a labour legislation. I want to tell him that, as far as I understand, this Legislature is also competent to deal with any problem of legislation as is done in any other part of the world. Therefore that this Legislature should wait for some other opportunity to make some law for regulating labour is a proposition which I cannot endorse. I do not think my friend meant it seriously when he said so. With these observations I support the Law Member's motion.

Mr. G. Narayana Aiyar: Sir, there cannot be any dispute about the necessity for such a legislation. The number of labour unions as well as trade unions set up in Travancore is only very very limited. Number of strikes here is also few and far between. To safeguard labour at the present moment I do not think it is advisable to have a Bill of this nature. Further, it has to be remembered that the Bill is only a reproduction of the British Indian Act of 1929 and which have become the subject of scrutiny by the Royal Commission who conducted a detailed enquiry and found that there are patent defects in it which ought to be remedied. I ask, wherein lies the necessity to pass such a legislation in hot-haste? The Bill as well as copy of amendments were supplied to us only last evening. I ask, are we not to consider the whole Bill after it has been passed by the lower House and give our own reasons for or against it. Where is the time for us to consider the various provisions of the Bill? Again no emergency has arisen for passing a measure of this kind, especially when this has formed the subject matter of discussion and amendment in a neighbouring Legislature. I am not able to justify the hasty attitude of Government in this matter.

I heard Mr. Balakrishnan Tampi remarking that we are as competent as legislators in British India to pass Bills. I do not at all dispute that fact. By the passing of the British Indian Act, difficulties arose which led to the appointment of a Royal commission to enquire into the whole question *de novo*. In Travancore

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this is the first Bill of labour law. Its provisions are copied out from British Indian Act. When the mother Bill in British India undergoes change, ours too must follow suit. Why not we wait for some more time and see what is being done in British India in respect of it? Then we will be wise enough to consider whether such amendments are safer to Travancore law also. As such I consider that the consideration of this legislation be postponed to a future day, so that, all of us can have sufficient time to study and then discuss the various provisions of the Bill in detail. With these words, I propose that the consideration of the Bill be postponed.

Mr. K. K. Kuruvilla (*Mavelikara and Tiruvalla* cum *Pattanamtitta*): I am sorry, Sir, that you have announced that it is impossible to refer this Bill to a Select Committee of this House. I am not a lawyer and I am not going to deal with its details. I want only to make one general observation. I find in this Bill that no proper attention is paid to the development of trade unions in this country. The employer has money, influence and strength to exercise his will on the workers. It is therefore the duty of every well wisher of labour to help them in the formation of the right type of trade unions in this country. In this connection, a passage from a book, "The History of Trade Unionism" by Sidney and Beatrice Webb, which I happened to read some years ago, comes to my mind. In that book the author says that trade unionism in England has begun to flourish only after it passed from the vertical into the horizontal stage. Trade unionism lays a division between the employers as a whole and the labourers as a whole. If the Bill does not provide for Sympathic strikes then it strikes at the root of the formation of trade unionsim in this country. In this connection I want to read a passage from the book mentioned above.

> "In short, we have industrial society still divided vertically trade by trade, instead of horizontally between employers and wage earners. This latter cleavage it is which has transformed the Trade Unionism of petty groups of skilled workmen into the modern Trade Union Movement."

Classes 16 and 17 really affect the formation of trade unionism in this land.

Another point which I want to say is that it is not conducive to the welfare of all the workers. Mr. Sidney Webb defines Trade Unionism as follows:

> "A Trade Unionism, as we understand the term, is a continuous association of wage-earners for the purpose of maintaining or improving the conditions of their working lives."

and not the improvement of the conditions of particular services If it is a question of improving the condition of workers we cannot

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[Mr. K. K. Kuruvilla.]

confine the organisation to a particular trade. The worker must have the right to strike sympathetically. This Bill, if it is passed, would not allow anybody to help a Trade Union to strike. If we want to do anything we should do it openly. If this Bill comes into law it will really affect even those who are outside the trade unions. Therefore I request that the consideration of the Bill may be postponed, and more time given for its discussion.

Mr. Nedumangad R. Kesavan Nair: In view of the fact that there has been a difference of opinion in the Select Committee that was appointed for the consideration of the Bill and also in view of the fact that there was a dissenting note, I would request that consideration of this Bill be deferred to a future time when we would have ample opportunities to study the Bill. Mr. Narayana Aiyar was submitting that we got copies of certain amendments to the Bill only yesterday. The present Bill is one that concerns the liberties of a labourer. Since certain clauses of the Bill infringe the liberty of honest strikes since all these clauses have to be considered, and in view of the effective arguments advanced by Mr. P. N. Krishna Pillai, the nominated labour representative, I also endorse the view of Mr. Narayana Aiyar that the consideration of Bill may be deferred to some future time.

Mr. N. V Chacko (*Parur Kunnatnad and Muvattupuzha cum Devicolam*): I also endorse the view that the consideration of the Bill may be postponed to a future date especially because the labour member has asked for it. There is no meaning in saying that we are as powerful as any other legislature in the world. That is not enough. British India has experience in these matters for which we had not much opportunity. So there is no harm in waiting to see what amendments British India is going to make.

Mr. P. N. Krishna Pillai: Does the member know that even the Travancore Legislature deferred consideration of the present Travancore Factories Regulation in 1911 till the passing of a similar enactment then in British India?

Mr. N. V. Chacko: I am not an expert in these matters. I want only to speak on this point. If we wait for some time probably it may be an advantage in the sense that we can benefit by the experience of others.

President: What is the member's suggestion?

Mr. N. V Chacko: The minimum suggestion is that we may postpone the consideration of the Bill.

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Mr. T. K. Kittan (*Vaikam, Kottayam* and *Changanachery* cum *Peermade*): സർ, ഈ ബില്ലിന്റെ പ്രാഥമികമായ പരിശോധന മാറ്റിവെയ്ക്കണമെന്നാണ് എനിക്കു പ്രത്യേകമായി പറയുവാനുള്ളത്. അങ്ങിനെ മാറ്റിവച്ചിട്ടു പിന്നീട് അതിനെപ്പറ്റി ആലോചിക്കുമ്പോൾ രണ്ടു വാക്കുകൂടി പറയുവാനുണ്ട്. ഒരു കൂലിക്കാരന് പണിമുടക്ക് എന്നുള്ള ആയുധം ഉണ്ടായിരിക്കുന്നതു വലിയരക്ഷയാണ്. മുതലാളിയിൽനിന്നുള്ള ഉപദ്രവം സഹിക്കാൻതാങ്കുമ്പോൾ പണിമുടക്ക് എന്ന ആയുധംകൊണ്ടു മാത്രമെ അവനു രക്ഷകിട്ടാൻ എളുപ്പമുള്ളൂ. അതുകൊണ്ടു നിയമമുണ്ടാക്കുമ്പോൾ അതിൽ ഒരു കൂലിക്കാരന് പണിമുടക്കുന്നതിനുള്ള അവകാശം അത്യാവശ്യമായി ഉണ്ടായിരിക്കേണ്ടതാണ്. ഈ രാജ്യത്തെ സംബന്ധിച്ചു പറയുകയാണെങ്കിൽ പണിമുടക്ക് ഉണ്ടാവുകയില്ല എന്നു തന്നെ പറയാവുന്നതാണ്. അതിനാൽ മുതലാളിയുടെ അക്രമത്തിൽ നിന്നു രക്ഷപ്രാപിക്കുന്നതിനു പണിമുടക്ക് ഒരു ആയുധമായി പ്രയോഗിക്കത്തക്ക വിധത്തിലായിരിക്കുകൂടി വേണം നിയമം ഉണ്ടാക്കുവാൻ.

President: I think I shall now ask the opinion of the leaders of the organised parties to advise as to what we should do.

Mr. M. S. Anirudhan: It may be deferred for consideration till the next meeting.

Mr. K. K. Kuruvilla: May I know, Sir, whether this House can appoint a Select Committee for the consideration of this Bill.

Mr. Kayalam Parameswaran Pillai: That is not possible.

Mr. Kottur Kunjukrishna Pillai: So far as it has been possible to ascertain, I think, the majority opinion seems to be that they must have more time to study the Bill.

President: There are two ways of looking at this matter. I can well understand the position taken up by some members that all those amendments that were passed elsewhere were placed in their hands only yesterday or day before yesterday and that they want further time to consider what took place elsewhere and also to study the Bill as amended. That is an easily understandable position. The other position is that this House should adjourn the consideration of the Bill as passed elsewhere to some undetermined period pending consideration of the same problem by other legislatures. To know which alternative is favoured by the House I shall ask honourable members who have any idea of the matter to put forward the motion for adjournment in a concrete form.

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Mr. K. R. Elankath: Sir, I move, that in view of the fact that we have got very short notice of the amendments to the Bill before the House and also of the fact that there was only short notice of the Bill itself as passed by the other House, that it may be adjourned till the next meeting of the Council.

Mr. G. Narayana Aiyar: I second it.

Mr. P. N. Krishna Pillai: Sir, I move that the consideration of this Bill may be deferred till the Trade Disputes amendment bill which is now pending before the Central legislature in British India emerges in its final form from there.

Mr. M. S. Anirudhan: I second it.

Mr. Kayalam Paramesvaran Pillai: On this motion, I wish to say one word. Those who have carefully gone through the report of the Select Committee might have noticed that the Committee considered the draft Amendment Bill before the Indian Assembly. That is to say these provisions were considered by the Select Committee. Therefore it is not right to say that until the Indian Bill becomes law we should not proceed with our Bill. I have no objection to the Bill being deferred till the next meeting of the Council.

President: I shall put the motion to the vote of the House. The first motion is that the consideration of this Bill be adjourned until after the British Indian Legislature has formulated its legislative proposals.

The motion was put to vote and lost.

President: The next motion is that the consideration of this measure be postponed to the next meeting.

The motion was put and carried.

The consideration of the Bill was postponed to the next meeting.

President: The House will now adjourn and meet again tomorrow at 11 o' clock.

The Council adjourned at 12·45 p. m.

E. I. CHACKO,
Secretary to the Sri Chitra State Council

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